

ENTERED

May 17, 2023

Nathan Ochsner, Clerk

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

DARRYL BEY, TRUSTEE EX. RELATIONE
DARRYL L. BANKSTON ESTATE,
Plaintiff,

V.

MARILYN BURGESS, ET AL.,
Defendants.

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CIVIL ACTION NO. 4:22cv3862

**ORDER ADOPTING MAGISTRATE JUDGE'S
MEMORANDUM AND RECOMMENDATION**

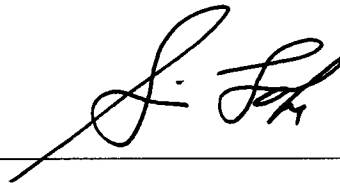
Having reviewed the Magistrate Judge's Memorandum and Recommendation dated April 28, 2023, (Dkt. 39) and no party having filed objections thereto, the court is of the opinion that said Memorandum and Recommendation should be adopted by this court.

It is, therefore, **ORDERED** that the Magistrate Judge's Memorandum and Recommendation is hereby **ADOPTED** by this court.

It is further **ORDERED** that Defendant Sheriff Ed Gonzalez' Rule 12(b)(6) Motion to Dismiss (Dkt. 24) is **GRANTED** and Plaintiff's claims against Sheriff Ed Gonzalez are **DISMISSED WITH PREJUDICE**.

All claims having been dismissed, this is a final order. The court will enter a separate Final Judgment.

SIGNED at Houston, Texas this 17th day of May, 2023.



SIM LAKE

SENIOR UNITED STATES DISTRICT JUDGE